

# House File 740 - Introduced

HOUSE FILE 740  
BY ABDUL-SAMAD

## A BILL FOR

1 An Act including certain acts within the meaning of domestic  
2 abuse.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.2, subsection 2, Code 2021, is  
2 amended to read as follows:

3 2. "*Domestic abuse*" means ~~committing assault as defined in~~  
4 ~~section 708.1~~ under any of the following circumstances:

5 a. An assault as defined in section 708.1 under any of the  
6 following circumstances:

7 ~~a.~~ (1) The assault is between family or household members  
8 who resided together at the time of the assault.

9 ~~b.~~ (2) The assault is between separated spouses or persons  
10 divorced from each other and not residing together at the time  
11 of the assault.

12 ~~c.~~ (3) The assault is between persons who are parents of  
13 the same minor child, regardless of whether they have been  
14 married or have lived together at any time.

15 ~~d.~~ (4) The assault is between persons who have been family  
16 or household members residing together within the past year and  
17 are not residing together at the time of the assault.

18 ~~e.~~ (1) (5) (a) The assault is between persons who  
19 are in an intimate relationship or have been in an intimate  
20 relationship and have had contact within the past year of the  
21 assault. In determining whether persons are or have been in  
22 an intimate relationship, the court may consider the following  
23 nonexclusive list of factors:

24 ~~(a)~~ (i) The duration of the relationship.

25 ~~(b)~~ (ii) The frequency of interaction.

26 ~~(c)~~ (iii) Whether the relationship has been terminated.

27 ~~(d)~~ (iv) The nature of the relationship, characterized by  
28 either party's expectation of sexual or romantic involvement.

29 ~~(2) (b)~~ A person may be involved in an intimate  
30 relationship with more than one person at a time.

31 b. Psychological abuse under any of the following  
32 circumstances:

33 (1) The psychological abuse is between family or household  
34 members who resided together at the time of the psychological  
35 abuse.

1     (2) The psychological abuse is between separated spouses or  
2 persons divorced from each other and not residing together at  
3 the time of the psychological abuse.

4     (3) The psychological abuse is between persons who are  
5 parents of the same minor child, regardless of whether they  
6 have been married or have lived together at any time.

7     (4) The psychological abuse is between persons who have  
8 been family or household members residing together within the  
9 past year but who were not residing together at the time of the  
10 psychological abuse.

11     (5) (a) The psychological abuse is between persons who  
12 are in an intimate relationship or have been in an intimate  
13 relationship and have had contact within the past year of the  
14 psychological abuse. In determining whether persons are or  
15 have been in an intimate relationship, the court may consider  
16 the following nonexclusive list of factors:

17     (i) The duration of the relationship.

18     (ii) The frequency of interaction.

19     (iii) Whether the relationship has been terminated.

20     (iv) The nature of the relationship, characterized by  
21 either party's expectation of sexual or romantic involvement.

22     (b) A person may be involved in an intimate relationship  
23 with more than one person at a time.

24     Sec. 2. Section 236.2, Code 2021, is amended by adding the  
25 following new subsection:

26     NEW SUBSECTION. 5A. a. "Psychological abuse" means  
27 behavior that, in purpose or effect, based on the totality of  
28 the circumstances, unreasonably interferes with a person's  
29 free will and personal liberty. "Psychological abuse" includes  
30 but is not limited to unreasonably engaging in any of the  
31 following:

32     (1) Isolating a person from friends, relatives, or other  
33 sources of support.

34     (2) Depriving a person of basic necessities including but  
35 not limited to food, money, clothing, or shelter.

1 (3) Controlling, regulating, or monitoring a person's  
2 movements, communications, economic resources, or access to  
3 services.

4 (4) Compelling a person by force, threat of force,  
5 intimidation, extortion, coercion, or duress to engage in  
6 conduct from which the person has a right to abstain or to  
7 abstain from conduct in which the person has a right to engage.  
8 Such acts shall include but not be limited to threats based on  
9 a person's actual or suspected immigration status.

10 (5) Without a person's permission, logging in to the  
11 person's computer, phone, or online accounts to gain  
12 information about the person's life, schedule, or habits or  
13 for the purpose of making information about the person's life,  
14 schedule, or habits known to an audience the person would not  
15 want to have the information.

16 (6) Publishing a person's personal information including  
17 but not limited to the person's physical address, workplace  
18 address, social security number, phone number, or personal  
19 photographs.

20 (7) Intentionally destroying a person's personal property.

21 (8) Stalking in violation of section 708.11.

22 *b.* Psychological abuse may be committed directly or  
23 indirectly, including through the use of a third party.

24 Sec. 3. Section 236.5, subsection 2, Code 2021, is amended  
25 to read as follows:

26 2. An order for counseling, a protective order, or approved  
27 consent agreement shall be for a fixed period of time not to  
28 exceed one year. The court may amend or extend its order or a  
29 consent agreement at any time upon a petition filed by either  
30 party and after notice and hearing. The court may extend the  
31 order if the court, after hearing at which the defendant has  
32 the opportunity to be heard, finds that the defendant continues  
33 to pose a threat to the safety of the victim, persons residing  
34 with the victim, or members of the victim's immediate family.  
35 At the time of the extension, the parties need not meet the

1 requirement in section 236.2, subsection 2, paragraph ~~"d"~~ "a",  
 2 subparagraph (4), or in section 236.2, subsection 2, paragraph  
 3 "b", subparagraph (4), that the parties lived together during  
 4 the last year if the parties met the requirements of section  
 5 236.2, subsection 2, paragraph ~~"d"~~ "a", subparagraph (4), or  
 6 section 236.2, subsection 2, paragraph "b", subparagraph (4),  
 7 at the time of the original order. The number of extensions  
 8 that can be granted by the court is not limited.

9 Sec. 4. Section 708.2A, subsection 1, Code 2021, is amended  
 10 to read as follows:

11 1. For the purposes of this chapter, "domestic abuse  
 12 assault" means an assault, as defined in section 708.1, which  
 13 is domestic abuse as defined in section 236.2, subsection 2,  
 14 paragraph "a", ~~"b", "c", or "d"~~ subparagraph (1), (2), (3), or  
 15 (4).

16 Sec. 5. Section 708.2B, subsection 2, Code 2021, is amended  
 17 to read as follows:

18 2. A person convicted of, or receiving a deferred judgment  
 19 for, domestic abuse assault as defined in section 708.2A, shall  
 20 report to the district department in order to participate in  
 21 a batterers' treatment program for domestic abuse offenders.  
 22 In addition, a person convicted of, or receiving a deferred  
 23 judgment for, an assault, as defined in section 708.1, which  
 24 is domestic abuse, as defined in section 236.2, subsection  
 25 2, paragraph ~~"e"~~ "a", subparagraph (5), may be ordered by  
 26 the court to participate in a batterers' treatment program.  
 27 Participation in the batterers' treatment program shall not  
 28 require a person to be placed on probation, but a person on  
 29 probation may participate in the program.

### 30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
 32 the explanation's substance by the members of the general assembly.

33 This bill includes certain acts within the meaning of  
 34 domestic abuse for purposes of Code chapter 236 (domestic abuse  
 35 and civil protective orders).

1     The bill defines "psychological abuse" as a pattern of  
2 behavior that in purpose or effect, based on the totality of  
3 the circumstances, unreasonably interferes with a person's  
4 free will and personal liberty. Psychological abuse includes  
5 but is not limited to unreasonably isolating a person from  
6 friends, relatives, or other sources of support; depriving  
7 a person of basic necessities including but not limited to  
8 food, money, clothing, or shelter; controlling, regulating,  
9 or monitoring a person's movements, communications, economic  
10 resources, or access to services; compelling a person by force,  
11 threat of force, intimidation, extortion, coercion, or duress  
12 to engage in conduct from which the person has a right to  
13 abstain or to abstain from conduct in which the person has  
14 a right to engage including but not limited to threats based  
15 on a person's actual or suspected immigration status without  
16 a person's permission; without a person's permission, logging  
17 in to the person's computer, phone, or online accounts to gain  
18 information about the person's life, schedule, or habits or  
19 for the purpose of making information about the person's life,  
20 schedule, or habits known to an audience the person would not  
21 want to have the information; publishing a person's personal  
22 information including but not limited to the person's physical  
23 address, workplace address, social security number, phone  
24 number, or personal photographs; intentionally destroying a  
25 person's personal property; and stalking in violation of Code  
26 section 708.11. Psychological abuse may be committed directly  
27 or indirectly, including through the use of a third party.

28     The bill adds psychological abuse as a form of domestic abuse  
29 when the psychological abuse is between family or household  
30 members who resided together at the time of the psychological  
31 abuse; between separated spouses or persons divorced from  
32 each other and not residing together at the time of the  
33 psychological abuse; between persons who are parents of the  
34 same minor child, regardless of whether they have been married  
35 or have lived together at any time; between family or household

1 members residing together within the past year but who were not  
2 residing together at the time of the psychological abuse; or  
3 between persons who are in an intimate relationship or have  
4 been in an intimate relationship and have had contact within  
5 the past year of the psychological abuse. Under current law,  
6 only an assault as defined in Code section 708.1 committed  
7 under certain circumstances is considered an act of domestic  
8 abuse.

9     The bill makes conforming changes to Code sections 236.5  
10 (disposition upon a court finding a defendant has committed  
11 domestic abuse), 708.2A (domestic abuse assault), and 708.2B  
12 (treatment of domestic abuse assault offenders).

13     Code chapter 236 allows victims of domestic abuse to seek  
14 relief from domestic abuse by filing a petition in district  
15 court for a domestic abuse civil protective order (emergency,  
16 temporary, and permanent).